APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,622	11/20/2003	Akira Watanabe	Y2238.0054	6336

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EXAMINER
HOTELLING, HAROLD A

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
01/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action *Before the Filing of an Appeal Brief*	Application No.	Applicant(s)
	10/716,622	WATANABE, AKIRA
	Examiner	Art Unit
	Harold A. Hotelling	2164

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED <u>07 December 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

See √

Dec. 27, 2007

DEBBIE LE
PRIMARY EXAMINER

12/31/07

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20071226

Continuation of 11. does NOT place the application in condition for allowance because:

The applicant appears to have presented one argument that Li (U.S. Patent number 6,754,662) (effective filing date: August 1, 2000) does not teach claims 1, 9, and 17 (effective filing date: November 20, 2002).

The applicant's argument traces back to the argument the applicant submitted on August 22, 2007: "Neither search in Li uses the results of the other search 'for searching the search results from said first search processing means . . .'" .

The examiner responded in the Final Rejection mailed out on October 15, 2007: "But the applicant has not explained how 'for searching the search results from said first search processing means' is not taught by the passage cited in the previous Office Action (Li, column 4, lines 9 - 13)."

The applicant elaborated his argument on December 7, 2007 as follows (see page 8, second paragraph): "Li teaches creating a hashed classID of the received packet and searching cache memory 108 for the ID. If the ID is not found, then Li teaches searching the regular memory 110 for the ID. Thus, the search of memory 110 does not use the results of the search for the ID in the cache 108. This explanation further answers the Examiner's question on page 2 of the Final Office Action of 'how for searching the search results from said first search processing means is not taught by the passage cited in the previous Office Action.'"

Although the applicant makes an interesting observation, the examiner does not necessarily agree.

The portion of Li that the examiner previously cited as teaching the applicant's "first search processing means" (column 3, last four lines) does not teach searching the cache 108. Li, column 3, last four lines teaches IDENTIFYING (synonymous with "SEARCHING") "flows of traffic."

The portion of Li that the examiner previously cited as teaching the applicant's "second search processing means" (column 4, lines 9 - 13) does not teach searching the memory 110. Li, column 4, lines 9 - 13 teaches using "packet header information" for ACCESSING (synonymous with "SEARCHING") hash table entries "filled by class service identifiers . . . for the most recently detected flows." (i.e., the "flows of traffic" cited in column 3, last four lines).

Because accessing the hash table of Li, column 4, lines 9 - 13 requires a search of the "flows of traffic" identified by the packet header extraction of Li, column 3, last four lines; Li does teach the "second search processing means for searching the search results of said first search processing means . . ." of the applicant's claim 1.